

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv122**

<b>CHEVRON INTELLECTUAL PROPERTY LLC; and CHEVRON U.S.A. INC.,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>JUDY SMITH,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the court on a proposed “Consent Order,” which has not been filed and has been sent to chambers via CyberClerk by counsel unaccompanied by a motion. In addition, plaintiffs have filed with the court exhibits that are not attached to any motion via ECF.

As provided in Rule 7(b)(1), Federal Rules of Civil Procedure, and reflected in Local Civil Rule 7.2, an application to the court for an Order or other relief must be made in the form of a written motion. The court adheres to these rules not simply because they are rules; instead, the requirement of filing a motion insures that the court reaches the issue, inasmuch as there is no provision for CM/ECF to track freestanding proposed Orders submitted through Cyberclerk or “Exhibits” filed that are not associated with any motion. The requirement of a motion further serves the public interest in assuring that Orders are entered upon good and adequate cause, especially where as her the Consent Order seeks post case termination supervision. With

those concerns in mind, the court will strike the “Consent Order” as improvidently submitted, instruct the Clerk to strike docket entry 10, and instruct the parties to file a joint or consent Motion for Approval of Stipulated Dismissal and Entry of Consent Order,” therein showing good and adequate cause for the relief sought. Counsel may attach the proposed Consent Order as attachment to the motion, submit it to the court through CyberClerk, or both. Exhibits must be filed as attachments to the motion.

## ORDER

**IT IS, THEREFORE, ORDERED** that the “Consent Order” sent to chambers via Cyberclerk as well as docket entry 10 are, respectfully, **STRICKEN** as improvidently submitted.

Signed: July 25, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

